

SB2972



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2972

Introduced 1/31/2024, by Sen. Tom Bennett

SYNOPSIS AS INTRODUCED:

525 ILCS 37/10
525 ILCS 37/15

Amends the Illinois Prescribed Burning Act. Establishes the procedures required before conducting a prescribed burning. Provides that no landowner, agent of the landowner, or certified prescribed burn manager shall be liable for damage, injury, or loss caused by a prescribed burning or smoke resulting from a prescribed burning unless the landowner, agent of the landowner, or certified prescribed burn manager is proven to be grossly negligent. Effective immediately.

LRB103 37180 JAG 67299 b

A BILL FOR

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Prescribed Burning Act is amended
5 by changing Sections 10 and 15 as follows:

6 (525 ILCS 37/10)

7 Sec. 10. Definitions. As used in this Act:

8 (a) "Prescribed burning" means the planned application of
9 fire to naturally occurring vegetative fuels under specified
10 environmental conditions and following appropriate
11 precautionary measures, which causes the fire to be confined
12 to a predetermined area and accomplish the planned land
13 management objectives.

14 (b) "Certified prescribed burn manager" means an
15 individual who successfully completes an approved training
16 program and receives proper certification.

17 (c) "Prescription" means a written plan for conducting a
18 prescribed burn.

19 (d) "Department" means the Illinois Department of Natural
20 Resources.

21 (e) "Landowner" means the person or entity that owns the
22 land.

23 (f) "Agent of the landowner" means the person or

1 organization that has a written contract or agreement with the
2 landowner to manage the land, including, but not limited to,
3 tenants and lessees.

4 (g) "Third-party land manager" means an individual,
5 organization, or contractor under contract or agreement with
6 the landowner or landowner's agent to manage the land.

7 (h) "Gross negligence" means an act of willful, wanton,
8 and reckless conduct.

9 (Source: P.A. 95-108, eff. 8-13-07.)

10 (525 ILCS 37/15)

11 Sec. 15. Requirements; liability.

12 (a) Before conducting a prescribed burn under this Act, a
13 person shall:

14 (1) obtain the written consent of the landowner;

15 (2) have a written prescription approved by a
16 certified prescribed burn manager;

17 (3) have at least one certified prescribed burn
18 manager present on site with a copy of the prescription
19 while the burn is being conducted;

20 (4) notify the local fire department, county
21 dispatcher, 911 dispatcher, or other designated emergency
22 dispatcher on the day of the prescribed burn; and

23 (5) make a reasonable attempt to notify all adjoining
24 property owners and occupants of the date and time of the
25 prescribed burn.

1 (b) (Blank) ~~The property owner and any person conducting a~~
2 ~~prescribed burn under this Act shall be liable for any actual~~
3 ~~damage or injury caused by the fire or resulting smoke upon~~
4 ~~proof of negligence.~~

5 (b-5) No landowner or agent of the landowner shall be
6 liable for damage, injury, or loss caused by a prescribed
7 burning or smoke resulting from a prescribed burning unless
8 the landowner or agent of the landowner is proven to be grossly
9 negligent.

10 (b-10) No certified prescribed burn manager shall be
11 liable for damage, injury, or loss caused by a prescribed
12 burning or smoke resulting from a prescribed burning conducted
13 under an approved prescription unless the certified prescribed
14 burn manager is proven to be grossly negligent.

15 (c) Any prescribed burning conducted under this Act:

16 (1) is declared to be in the public interest;

17 (2) does not constitute a public or private nuisance
18 when conducted in compliance with Section 9 of the
19 Environmental Protection Act and all other State statutes
20 and rules applicable to prescribed burning; and

21 (3) is a property right of the property owner if
22 naturally occurring vegetative fuels are used.

23 (Source: P.A. 95-108, eff. 8-13-07.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.